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April 21, 2023

United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Courtroom 6B
New York, NY 10007-1312
GorensteinSettlement@nysd.uscourts.gov

MEMORANDUM ENDORSED

Attn.: U.S. Magistrate Judge Gabriel W. Gorenstein

Re: *Han v. United States of America*
Civil Action: 1:22-cv-04529-GHW

Your Honor,

I represent Plaintiff De Xing Han (“Mr. Han”) in this action brought pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b) and 2671, *et seq.*, against the Defendant United States of America (“USA”). This letter is submitted on behalf of both parties to request an adjournment of the settlement conference scheduled for Monday, April 24, 2023 at 10:00 a.m. The parties have conferred and jointly request the adjournment to allow time for additional records relating to Plaintiff’s medical liens and health insurance payments to be obtained.

It would benefit settlement discussions for the parties to obtain the payment ledger from Health-First/Medicaid relating to Mr. Han’s treatment, and also to obtain Mr. Han’s lien agreements and current lien amounts from his medical providers. These records would allow Mr. Han to better substantiate the amount claimed for his past medical expenses, and would allow the USA to ascertain the extent of Mr. Han’s financial responsibility for the costs of his past medical treatment. Mr. Han’s past medical expenses are a significant category of damages being claimed in this action, and therefore, obtaining these records is material to settlement discussions.

The parties have conferred and respectfully request that the settlement conference be adjourned to a date more than 45 days from the date of the scheduled conference, and if possible, for a date during the week of June 12th or June 19th. The reason for the lengthy adjournment request is to allow records from Health-First/Medicaid to be received, which typically takes some time, and the records to then be exchanged and considered in the USA’s evaluation of Mr. Han’s damages, as well as to accommodate the parties’ schedules. Doing so would allow for a more fruitful settlement discussion at the settlement conference.

Thank you for your attention and consideration in this matter.

Respectfully submitted,

/s/ Ernest A. Spivak, Esq.
Caesar and Napoli, P.C.
Attorneys for Plaintiff
De Xing Han

CC: Amanda Lee, AUSA (via ECF)

Application granted. The settlement conference is adjourned sine die. The parties shall file a letter on ECF as soon as both sides are prepared to go forward with a new conference date. In that letter they shall propose dates for the rescheduled conference (indicating morning and/or afternoon).

So Ordered.



GABRIEL W. GORENSTEIN
United States Magistrate Judge

April 21, 2023